

AMENDED IN ASSEMBLY APRIL 22, 2002

AMENDED IN ASSEMBLY APRIL 8, 2002

AMENDED IN ASSEMBLY MARCH 7, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1821

Introduced by Assembly Member Lowenthal

(Coauthors: Assembly Members Alquist, Aroner, Ashburn, Briggs, Chavez, Cohn, Dickerson, Harman, Hollingsworth, Liu, Longville, Pavley, Pescetti, Salinas, Strickland, Wyman, and Zettel)

January 17, 2002

An act to add Section 1714.11 to the Civil Code, relating to civil liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 1821, as amended, Lowenthal. Civil liability: donated fire protection equipment.

Existing law provides that no food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank is liable for any damage or injury resulting from the consumption of the donated food, with certain exceptions.

This bill would provide that, except for damage or injury proximately caused by a grossly negligent act or omission *or willful or wanton misconduct* of the donor, no individual, person, public or private entity, or fire department or fire protection district, including the Department of Forestry and Fire Protection, that donates fire protection apparatus

or equipment to a volunteer fire department, volunteer fire protection district, or volunteer fire company is liable for any damage or injury that results from the use of that apparatus or equipment by the recipient fire department, fire protection district, or fire company.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1714.11 is added to the Civil Code,
2 immediately following Section 1714.10, to read:
3 1714.11. Except for damage or injury proximately caused by
4 a grossly negligent act or omission *or willful or wanton*
5 *misconduct* of the donor, no individual, person, public or private
6 entity, or fire department or fire protection district, including the
7 Department of Forestry and Fire Protection, that donates fire
8 protection apparatus or equipment to a volunteer fire department,
9 volunteer fire protection district, or volunteer fire company is
10 liable for any damage or injury that results from the use of that
11 apparatus or equipment by the recipient fire department, fire
12 protection district, or fire company.

